

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
400 SOUTH VIRGINIA ST., ROOM 301  
RENO, NEVADA 89501  
OFFICIAL BUSINESS

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG 27 2007	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

Stuart L. Somach  
DeCuir & Somach  
400 Capitol Mall  
Suite 1900  
Sacramento, CA 95814



neopost

\$00.40  
08/22/2007  
Mailed From 89501  
US POSTAGE

049J82043624

NIXIE 957 DE 1 00 08/24/07  
NOT RETURN TO SENDER  
UNABLE TO FORWARD  
BC: 69501219576 \*2941-05665-22-35

69501219576

1  
2  
3  
4

5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
RENO, NEVADA

7  
8 UNITED STATES OF AMERICA, ) 3:73-CV-0125-ECR-RAM  
9 Plaintiff, ) In Equity No. C-125  
10 WALKER RIVER PAIUTE TRIBE, ) Subfile No. C-125-B  
11 Plaintiff-Intervenor )  
12 vs. )  
13 WALKER RIVER IRRIGATION )  
14 DISTRICT, a corporation, )  
et al., )  
15 Defendants. )  
16 )  
17 )

ORDER

18 **IT IS HEREBY ORDERED** that the Petition of the Walker River  
19 Paiute Tribe for Approval of State Engineer's Ruling No. 5746  
20 (#857) (July 6, 2007) ("Ruling No. 5746") is **GRANTED** on the following  
21 basis. The Court approves the Tribe's application for a temporary  
22 change in place and manner of use of the water right adjudicated  
23 for its benefit under the *United States v. Walker River Irrigation*  
24 *Dist.*, No. C-125 (D. Nev. Apr. 14, 1936), as amended, *Order for*  
25 *Entry of Amended Final Decree to Conform to Writ of Mandate, Etc.*  
26 (D. Nev. Apr. 24, 1940) ("Decree").

27 The State Engineer's ruling that the point of measurement of  
28 the Tribe's water right shall be the Parker's gage is approved, but

1 is without prejudice to the rights of the Tribe and the United  
2 States to seek in the future a different place of measurement  
3 and/or the addition of water to offset conveyance losses, if any.

The issue of the payment of fees has been resolved by  
agreement of the Tribe and the State Engineer by the Tribe  
voluntarily agreeing to pay the actual costs incurred by the State  
Engineer in considering this matter and ruling on it. This  
voluntary payment by the Tribe shall not constitute a waiver of  
sovereign immunity of the Tribe or the United States.

10 The objections relating to the giving of notice and relating  
11 to the amount of water needed for the change in manner of use are  
12 overruled.

13       Mineral County is allowed to appear in this matter as good  
14 cause is shown based upon its comments. The motion to strike  
15 portions of Mineral County's briefing is denied for reason that the  
16 statements therein are construed as argument and weighted  
17 accordingly.

18 The Court does not view the granting of the Tribe's petition  
19 as establishing a precedent as to how the Court should deal with  
20 this type of change application in the future.

21 The Objections (#876), filed by Defendant Circle Bar N Ranch  
22 to the form of order proposed by the Tribe are overruled and  
23 sustained as set forth in this order.

24 All other objections to the Tribe's Petition are overruled.

25 Dated this 22nd day of August, 2007.

Edward C. Reed.  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT JUDGE**